

AMENDED IN ASSEMBLY MAY 19, 2008

AMENDED IN ASSEMBLY APRIL 8, 2008

AMENDED IN ASSEMBLY MARCH 24, 2008

CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

ASSEMBLY BILL

No. 2153

Introduced by Assembly Members Krekorian and Hancock
(Coauthor: Assembly Member Huffman)

February 20, 2008

An act to add Section 21150.10 to the Public Resources Code, relating to water conservation.

LEGISLATIVE COUNSEL'S DIGEST

AB 2153, as amended, Krekorian. Water conservation.

The California Environmental Quality Act (CEQA) requires a city or county, if it determines that a project is subject to CEQA, to identify any public water system that may supply water for the project and to request those public water systems to prepare a specific water supply assessment, except as otherwise specified. If the city or county is unable to identify the water supply system, the city or county is required to prepare the water supply assessment after a prescribed consultation.

This bill would require a residential or commercial ~~construction~~ *building* project that is subject to CEQA and ~~required by a lead agency to prepare a mitigated negative declaration or an environmental impact report~~ to implement all feasible and cost-effective water efficiency measures. The project would be required to mitigate its projected annual water consumption, as specified. ~~Affordable~~ *Defined affordable* housing projects *and public building projects* would be exempted from this mitigation requirement. *Public building projects would be required to*

implement feasible and cost-effective water efficiency that are required by the existing building standards. The mitigation measures taken would be subject to review and approval by reviewed, approved, and monitored by the lead agency.

Because a lead agency, which includes a local agency, would be required to review ~~and approve those direct investments~~, *approve, and monitor the mitigation measures*, this bill would increase the level of services provided by a local agency, thereby imposing a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 *SECTION 1. (a) The Legislature finds and declares all of the*
- 2 *following:*
- 3 *(1) Securing water supply reliability is vital to California's*
- 4 *business climate, as well as to the health of the agricultural*
- 5 *industry, environment, rural communities, and residents who*
- 6 *continue to face the possibility of severe water cutbacks during*
- 7 *water shortage periods.*
- 8 *(2) As water supply reliability decreases, diversions from*
- 9 *already stressed waterways and overdrafted groundwater basins*
- 10 *increase, resulting in significant environmental impacts.*
- 11 *(3) With increasing frequency, California's water agencies are*
- 12 *required to impose water rationing and water rate increases on*
- 13 *their residential and business customers due to reduced water*
- 14 *supply reliability.*
- 15 *(4) Water supply reliability for all regions of the state has been*
- 16 *declining in recent years due to climate change, ecosystem crisis*
- 17 *in the Sacramento-San Joaquin Delta and other waterways,*
- 18 *extended drought in the Colorado River Basin, contamination of*
- 19 *groundwater basins, and increasing demand for water to sustain*
- 20 *growth in California.*

1 (5) *In 2006, the Department of Water Resources issued a report*
2 *on climate change and California's water resources concluding*
3 *that climate change is likely to continue to have significant effects*
4 *on the state's water supply projects and the Sacramento-San*
5 *Joaquin Delta.*

6 (6) *Existing residents and businesses will be subject to*
7 *increasing water rates and assessments in order to maintain*
8 *existing levels of water supply reliability and adapt to the impacts*
9 *of climate change on water supplies.*

10 (7) *Disadvantaged communities in California will be*
11 *disproportionately impacted by reduction in water supply reliability*
12 *due to the lack of efficient water appliances and infrastructures,*
13 *as well as a reduced ability to pay increased rates for water*
14 *supplies.*

15 (8) *With California's population expected to reach nearly 60*
16 *million people by the year 2050, California must accommodate*
17 *millions of more residents in the coming decades.*

18 (9) *New water demands will further decrease water supply*
19 *reliability and result in an additional financial burden to existing*
20 *residents and businesses and in significant environmental impacts*
21 *if the water demands are not mitigated.*

22 (10) *There are a variety of measures available to secure and*
23 *restore water supply reliability within California.*

24 (11) *Bulletin 160-05, the California Water Plan update, projects*
25 *that urban water conservation can reduce water demand by*
26 *between two and three million acre-feet of water per year by the*
27 *year 2030.*

28 (12) *The plan also projects that recycled water can increase*
29 *water supplies by over one million acre-feet by the year 2030.*

30 (13) *Stormwater capture, groundwater treatment, greywater,*
31 *and infrastructure replacement have also been identified as*
32 *potential water supply reliability management tools.*

33 (14) *To avoid the significant environmental and economic*
34 *impacts associated with reduced water supply reliability, California*
35 *must accommodate growth while securing water supply reliability*
36 *for the benefits of the people, the economy, and the environment*
37 *of California.*

38 (b) *It is the intent of the Legislature to strengthen the process*
39 *pursuant to which local agencies avoid significant impacts and*

1 *secure water supply reliability within a region when considering*
2 *projects that increase the annual water consumption.*

3 *SEC. 2. This act shall be known and may be cited as the Water*
4 *Efficiency and Security Act.*

5 **SECTION 1.**

6 *SEC. 3. Section 21150.10 is added to the Public Resources*
7 *Code, to read:*

8 21150.10. (a) A new residential or commercial building
9 ~~construction~~ project that is subject to this division shall implement
10 all feasible and cost-effective water efficiency measures *within*
11 *the interior and exterior of the project.*

12 (b) If, after implementing all feasible and cost-effective water
13 efficiency measures *within the interior and exterior of the project,*
14 the residential or commercial building will result in any *new*
15 *residential or commercial* annual water consumption, as projected
16 by its water supplier, the project shall mitigate its projected annual
17 water consumption, *including within the interior and exterior of*
18 *the project,* within the same hydrologic region, through any of the
19 following measures:

20 (1) Water efficiency measures including interior and exterior
21 water conservation.

22 (2) Infrastructure rehabilitation resulting in reduced water loss
23 due to leaking pipes or reduced need to flush pipe systems.

24 (3) Recycled water facilities.

25 (4) Groundwater remediation and treatment facilities.

26 (5) Stormwater capture facilities.

27 (6) *Greywater systems.*

28 (c) The mitigation measures taken pursuant to subdivision (b)
29 ~~shall be subject to the review and approval of the lead agency~~
30 *reviewed, approved, and monitored by the lead agency in*
31 *consultation with the water supplier.*

32 (d) For the purpose of this section, mitigation measures shall
33 ~~meet the all of all of the~~ following criteria:

34 (1) At least 40 percent of the mitigation of annual water
35 consumption shall be accomplished through projects that serve
36 disadvantaged communities within the same hydrologic region of
37 the proposed project.

38 (2) Programs or projects implemented to achieve mitigation
39 ~~shall be real,~~ have a life expectancy of at least 20 years; and have
40 quantifiable results that ~~produce~~ *result in the capacity to make*

1 *available or decrease the demand for* an amount of water equal
2 *to the projected*~~water usage~~ *annual water consumption* of the
3 project.

4 (3) Programs and projects implemented to achieve the mitigation
5 ~~of water usage~~ *annual water consumption* shall to the extent
6 feasible, *as determined by the lead agency*, minimize greenhouse
7 gas emissions, minimize environmental impact, reduce
8 contaminated runoff, and provide environmental~~benefit~~ *benefits*.

9 (e) Mitigation measures undertaken pursuant to subdivision (b)
10 may be carried out in or serve affordable housing communities
11 and projects, *or public buildings, including public education*
12 *facilities*.

13 ~~(f) Notwithstanding subdivision (d), mitigation measures~~
14 ~~undertaken pursuant to subdivision (b) for public buildings shall~~
15 ~~be carried out on or serve existing publicly owned facilities with~~
16 ~~priority given to public education facilities.~~

17 (f) *Public building projects shall implement all feasible and*
18 *cost-effective water efficiency required by subdivision (a) that are*
19 *required by existing building standards, but shall be exempt from*
20 *the mitigation requirements set forth in subdivision (b).*

21 (g) Affordable housing projects shall implement all feasible and
22 cost-effective water efficiency required by subdivision (a), but
23 shall be exempted from the mitigation requirements pursuant to
24 subdivision (b).

25 (h) For the purposes of this section, the following terms shall
26 have the following definitions:

27 (1) “Affordable housing project” means a housing project
28 specified in Section 50052.5 of the Health and Safety Code.

29 (2) “Disadvantaged community” has the same meaning as that
30 set forth in Section 75005.

31 (3) “Hydrologic region” has the same meaning as set forth in
32 the California Water Plan developed pursuant to Part 1.5
33 (commencing with Section 10004) of Division 6 of the Water
34 Code.

35 (4) “Public building” means a building owned and occupied
36 by the state, a county, a city, a regional agency, a school district,
37 the University of California, the California State University, or a
38 California Community College district.

1 ~~SEC. 2.~~

2 *SEC. 4.* No reimbursement is required by this act pursuant to
3 Section 6 of Article XIII B of the California Constitution because
4 a local agency or school district has the authority to levy service
5 charges, fees, or assessments sufficient to pay for the program or
6 level of service mandated by this act, within the meaning of Section
7 17556 of the Government Code.

O